

---

**Minnesota Sentencing Guidelines Commission**  
**Medical Cannabis**  
**June 19, 2014**

---

There were slight language changes made between the bill summary that was presented to the Commission on May 22, 2014, and the language that passed into law. The companion language provided at the Commission meeting was correct.

Question: Considering the language that was passed into law, does the Commission wish to change any of it proposed severity-level rankings?

| Bill Summary Presented to Commission on May 22, 2014  | Laws of MN, Ch. 311 – Signed by Governor May 29, 2014   | Commission’s Motion on May 22, 2014   |
|---|---|---|
| <i>Emphasis added.</i>  |   |   |
| <p><b>1. Intentional Diversion</b><br/>           (Subdivision 1): A medical marijuana organization or agent who intentionally sells or otherwise transfers marijuana <i>in exchange for anything of value</i> to an unauthorized person is guilty of a felony with a two-year statutory maximum.</p> | <p>Subdivision 1. <b><u>Intentional Diversion; criminal penalty.</u></b> <u>In addition to any other applicable penalty in law, a manufacturer or an agent of a manufacturer who intentionally transfers medical cannabis to a person other than a patient, a registered designated caregiver or, if listed on the registry verification, a parent or legal guardian of a patient is guilty of a felony punishable by imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both. A person convicted under this subdivision may not continue to be affiliated with the manufacturer and is disqualified from further participation under sections 152.22 to 152.37.</u></p> | <p><b>Motion</b> to rank the offense at Severity Level 1 and not include on the list of offenses eligible for permissive consecutive sentences in § 6 was made by Judge Lennon and seconded by John Stuart.<br/> <b>Motion carried.</b></p> |

| Bill Summary Presented to Commission on May 22, 2014  | Laws of MN, Ch. 311 – Signed by Governor May 29, 2014  | Commission’s Motion on May 22, 2014  |
|---|--|--|
| <i>Emphasis added.</i>  |  |  |
| <p><b>2. Diversion by Patient, Registered Designated Caregiver, or Parent</b><br/> (Subdivision 2): A patient, caregiver, parent, or legal guardian who sells or otherwise transfers marijuana <i>in exchange for anything of value</i> to an unauthorized person is guilty of a felony with a two-year statutory maximum.</p>                                  | <p><u>Subd. 2. <b>Diversion by patient, registered designated caregiver, or parent; criminal penalty.</b> In addition to any other applicable penalty in law, a patient, registered designated caregiver or, if listed on the registry verification, a parent or legal guardian of a patient who intentionally sells or otherwise transfers medical cannabis to a person other than a patient, designated registered caregiver or, if listed on the registry verification, a parent or legal guardian of a patient is guilty of a felony punishable by imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both.</u></p>   | <p><b>Motion</b> to rank the offense at Severity Level 1 and not include on the list of offenses eligible for permissive consecutive sentences in § 6 was made by Commissioner Roy and seconded by Judge Schellhas. <b>Motion carried.</b></p> |
| <p><b>3. False Statement</b> (subdivision 3): A person who makes a false statement to law enforcement about medical use of marijuana to avoid arrest or prosecution is guilty of a misdemeanor. If the person convicted of violating this provision is a qualifying patient or designated caregiver, the person is disqualified from further participation.</p> | <p><u>Subd. 3. <b>False statement; criminal penalty.</b> A person who intentionally makes a false statement to a law enforcement official about any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by payment of a fine of not more than \$1,000, or both. The penalty is in addition to any other penalties that may apply for making a false statement or for the possession, cultivation, or sale of cannabis not protected by sections 152.22 to 152.37. If a person convicted of violating this subdivision is a patient or a registered designated caregiver, the person is disqualified from further participation under sections 152.22 to 152.37.</u></p> | <p>No Action. Misdemeanor offense.</p>   |

| Bill Summary Presented to Commission on May 22, 2014   | Laws of MN, Ch. 311 – Signed by Governor May 29, 2014  | Commission’s Motion on May 22, 2014  |
|--|--|--|
| <i>Emphasis added.</i>   |  |  |
| <p><b>4. Submission of False Records</b> (subdivision 4): A practitioner who knowingly submits false records or documentation required by the commissioner to register as a manufacturer of medical cannabis is guilty of a felony.</p>  | <p><b>Subd. 4. <u>Submission of false records; criminal penalty.</u></b> A person who knowingly submits false records or documentation required by the commissioner to register as a manufacturer of medical cannabis under sections 152.22 to 152.37 is guilty of a felony and may be sentenced to imprisonment for not more than two years or by payment of a fine of not more than \$3,000, or both.</p>  | <p><b>Motion</b> to rank the offense at Severity Level 2 because it is a forgery-related offense and warrants a higher severity level, but not include on the list of offenses eligible for permissive consecutive sentences in § 6 was made by Commissioner Roy and seconded by Justice Dietzen.<br/><b>Motion carried.</b></p> |
| <p><b>5. Violation by Health Care Practitioner</b> (subdivision 5): A health care practitioner who knowingly refers patients to a manufacturer or to a designated caregiver, who advertises as a manufacturer, or who issues certifications while holding a financial interest in a manufacturer is guilty of a misdemeanor.</p> | <p><b>Subd. 5. <u>Violation by health care practitioner; criminal penalty.</u></b> A health care practitioner who knowingly refers patients to a manufacturer or to a designated caregiver, who advertises as a manufacturer, or who issues certifications while holding a financial interest in a manufacturer is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or by payment of a fine of not more than \$1,000, or both.</p> | <p>No Action. Misdemeanor.</p>   |